

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 09-00058-01-CR-W-NKL
	)	
RUSSELL LEE SINGLETARY,	)	
	)	
Defendant.	)	

**ORDER**

Following an evidentiary hearing on September 16, 2009, United States Magistrate Judge John T. Maughmer issued a Report and Recommendation [Doc. # 32] recommending that this Court enter an order denying Defendant Russell Lee Singletary's motion to suppress evidence [Doc. # 20]. Defendant has filed no objections to the Report and Recommendation.

Defendant's motion seeks to suppress evidence of a bank robbery found following a stop of his vehicle. Defendant questions the propriety of the initial traffic stop, the length of his detention, and the search of the vehicle after his arrest. Officers may stop and briefly detain individuals where there is a reasonable suspicion, supported by articulable facts, that criminal activity may be occurring. *Terry v. Ohio*, 392 U.S. 1 (1968). As stated in the Report and Recommendation, the stop of Defendant's vehicle met the requirements for a *Terry* stop. The recent decision of *Arizona v. Gant*, 129 S. Ct. 1710 (2009), does not invalidate the search of Defendant's vehicle because the officers had a reasonable basis to believe that Defendant's vehicle contained evidence relevant to the offense for which

Defendant was arrested. Therefore, even though a search incident to arrest would not justify the search, the fact that there was probable cause to believe that the Defendant's car contained evidence that the Defendant had robbed a bank does justify the warrantless search.

After a *de novo* review of the record, the Court agrees with the Report and Recommendation.

It is hereby ORDERED that Defendant's motion to suppress [Doc. # 20] is DENIED and the Report and Recommendation [Doc. # 32] is ADOPTED.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: November 10, 2009  
Jefferson City, Missouri